IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.755 OF 2005

IN

SUIT NO.2668 OF 2005

...

Anil R. Kishnani ...Plaintiff

v/s.

Rochiram Godhwani & Anr. ...Defendants

...

Mr.K.P. Jain i/b Tushar Goradia for the Plaintiff.

Mr.Madhusudan Nair for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 6TH JUNE, 2006

P.C.:

By consent of parties, summons for judgment is disposed of in following terms:

(i) Defendants to deposit the amount of Rs.1,00,000/- in this court within a period of eight weeks from today with due intimation to the Plaintiff.

(ii) On deposit of the amount, summons for judgment shall stand disposed of and the leave to defend the suit shall stand granted in favour of the Defendants. In that event the Defendants shall file their written statement within a period of four weeks from the date of the deposit of the amount.

(iii) In case the amount is deposited, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on filing an undertaking in this court undertaking to redeposit the amount on such terms and conditions as may be directed by the Court with interest and in that event the rate of

interest shall not be less than 12% p.a.

(iv) In case the Defendants fail to deposit the amount within the aforesaid period, the summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clauses of the suit and the Plaintiff shall be entitled to refund of court fees as per rules.

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